

REMARKS

Prior to entry of this paper, Claims 1-45 were pending. Claims 1-45 were rejected. In this paper, Claims 1, 5, 18, 26, 35, 41, and 45 are amended; No Claims are canceled; and No Claims are added. Claims 1-45 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, Applicants respectfully submit that each of the presently pending claims is in condition for allowance.

Claim Rejections – 35 USC § 103

Claims 1-7, 9-17, 26-31, and 33-44 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (U.S. Patent 6,006,266) in view of Laraki (U.S. Patent Application Publication 2003/0233329). Claims 8, 18-25, 32, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Laraki, further in view of Wilf (U.S. Patent 6,496,824). Applicants respectfully traverse these rejections.

For example, at least independent Claim 1 recites, in part, determining at least one level of trust from a plurality of different levels of trust. (Emphasis added). After a careful review of Murphy; however, Applicants submit that Murphy does not teach or suggest determining trust from a plurality of different levels of trust.

Unlike the claimed invention, Murphy does not determine different levels of trust. Instead, Murphy merely discloses determining information that may then be used during dynamic session authentication checking by the server 110-114 to insure screen spoofing does not occur. See Murphy, Col. 10, lines 41-43. Such information includes an authentication string 606 which identifies both the session identifier 626 and the currently active panel 628. See Murphy, Col. 10, lines 66-67. Moreover, Murphy does describe using 3 keys, so that the odds against spoofing are fairly high. See, Murphy, Col. 10, lines 48-50. However, authentication string 606 of FIG. 5 of Murphy represents the three keys as all concatenated together. See Murphy, FIG 5, and Col. 10, lines 53-54. Thus, while Murphy discusses keys for spoofing, Murphy appears not to make any

mention, or suggestion that the keys are determined based on different levels of trust. Moreover, it is important to note that Murphy discloses that the keys are all concatenated together, indicating that the result is a single authentication string 606 and not different device signatures. Nor are Murphy's keys, either alone or when concatenated based on different levels of trust. They are each merely provided using different information, but not different levels of trust. Thus, for at least this reason, Murphy does not teach or suggest determining at least one level of trust from a plurality of different levels of trust, and determining the at least one device signature based on the one level of trust from the plurality of different levels of trust.

Moreover, neither Laraki or Wilf cure such defects, because neither of these cited prior art references make any mention of determining trust from a plurality of different levels of trust. Instead, Laraki merely describes a user identifier (or UID) to an IP address that may be used to identify the wireless device 172 to the affiliated content provider 182. See Laraki, paragraphs 47, 49, 54, and Abstract. Wilf describes comparing a first plurality of identifiers contained in a first request with a second plurality of identifiers contained in a second request, and associating the second request with the first request when the comparison is successful. See Wilf, Col. 2, lines 40-47. Thus, neither Laraki nor Wilf teach or suggest determining at least one level of trust from a plurality of different levels of trust. Therefore, Murphy in combination with Laraki and Wilf (which combination the Applicant denies) clearly cannot support a *prima facie* rejection of at least claim 1.

Independent Claims 18, 26, 35, 41, and 45 include similar, albeit different, features to independent Claim 1. Furthermore, independent Claim 35 explicitly recites, in part, determining at least two different levels of trust from a plurality of different levels of trust, and further determining two different device signatures. Because Murphy makes no mention or suggestion of levels of trust, it is clear that Murphy does not teach or suggest determining at least two different levels of trust, as recited in claim 35. Similarly, Claim 45 recites, in part, determining a plurality of different levels of trust, which is also not taught or suggested by Murphy, Laraki, or Wilf. In addition, Claim 45 determines a plurality of different device signatures based on the plurality of different levels of trust. Again, neither Murphy, Laraki, nor Wilf discloses or suggests determining different device

signatures based on the plurality of different levels of trust. Claim 35 also recites, in part, determining at least two different device signatures based on the two different levels of trust. Thus, for the reasons stated above, none of Murphy, Laraki or Wilf, either alone or in combination (which combination the Applicants deny) render obvious claims 1, 18, 26, 35, 41, and 45. Thus, Applicants respectfully submit that, because the cited references do not support a *prima facie* rejection of at least the pending independent claims, the Applicants request that at least claims 1, 18, 26, 35, 41, and 45 be allowed to issue.

Dependent Claim 5 recites, in part, determining a second level of trust from the plurality of different levels of trust, and further determining a second device signature based on the second level of trust. As noted above, Murphy does not disclose or suggest levels of trust. Thus, although Murphy does disclose three keys, the keys are not based on levels of trust, as recited in the Applicants' claims. Thus, for at least this reason, Claim 5 is not rendered obvious by the cited prior art references.

Similarly, because dependent Claim 11 explicitly recites if a second level of trust is determined, and dependent Claim 12 explicitly recites if a third level of trust is determined, they are also not rendered obvious by the cited prior art references, for at least the same reasons as above. Dependent Claim 21 similarly recites a second level of trust, while dependent claim 22 recites a third level of trust. In addition, claims 28-30 recites, a first, second, or third level of trust, respectively. Clearly, none of the cited prior art references makes any mention of a plurality of levels of trust. Therefore, for at least this reason, none of these claims are rendered obvious by the cited prior art references.

Dependent claim 3 recites in part, where the associated information comprises at least one of an indication that the mobile device is enabled to accept a cookie. A careful review of the cited reference Murphy, however, indicates that Murphy makes no mention of cookies. More important, however, Murphy makes no mention, or suggestion that the indication that the mobile device is enabled to accept a cookie is used (per claim 1) in automatically determining at least one level of trust. Thus, dependent claim 3 is not rendered obvious by the cited prior art references.

In addition, Claims 2-17 depend from Claim 1; Claims 19-25 depend from Claim 18; Claims 27-34 depend from Claim 26; Claims 36-40 depend from Claim 35; and Claims 42-44 depend from Claim 41. Therefore, for at least the same reasons as their respective independent claims, each of the dependent claims is also allowable. Thus, Applicant respectfully submits that Claims 1- 45 are in condition for allowance, and should be allowed to issue.

CONCLUSION

It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicants reserve the right to raise these arguments in the future.

Dated: July 9, 2007

Respectfully submitted,

By Jamie L. Wiegand
Jamie L. Wiegand
Registration No.: 52,361
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(206) 262-8915
(212) 527-7701 (Fax)
Attorneys/Agents For Applicants